

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

NIKKI BOLLINGER GRAE, Individually and)	Civil Action No. 3:16-cv-02267
on Behalf of All Others Similarly Situated,)	
)	Honorable Aleta A. Trauger
Plaintiff,)	
)	SECOND STIPULATION AND
vs.)	[PROPOSED] ORDER REGARDING
)	PRODUCTION OF DOCUMENTS BY THE
CORRECTIONS CORPORATION OF)	BUREAU OF PRISONS
AMERICA, et al.,)	
)	
Defendants.)	
_____)	

WHEREAS, Lead Plaintiff and Class Representative Amalgamated Bank, as Trustee for the LongView Collective Investment Fund, served a subpoena (the “Subpoena”) directed to the United States Bureau of Prisons (the “BOP”) on or about March 6, 2018;

WHEREAS, since service of the Subpoena, Plaintiff and the BOP have engaged in various discussions regarding the production of documents in response to the Subpoena;

WHEREAS, the BOP previously agreed to produce, in response to the Subpoena and subject to appropriate protections, copies of the documents submitted to the Office of the Inspector General of the U.S. Department of Justice (the “OIG”) by the BOP in connection with the OIG’s review of the BOP’s use and monitoring of private prisons; the BOP’s complete contract files relating to the contracts between Corrections Corporation of America/CoreCivic (“CCA”) and the BOP regarding the management of the Adams County Correctional Center, the Cibola County Correctional Center, the Eden Detention Center, the McRae Correction Facility and the Northeast Ohio Correctional Center; and backup tapes containing Groupwise e-mails from the Eden Detention Center that were provided to the BOP by CCA when the Eden Detention Center contract was terminated (collectively, the “Initial Subject Documents”);

WHEREAS, the BOP has produced the Initial Subject Documents;

WHEREAS, Plaintiff and the BOP have continued to confer, and the BOP has now agreed to produce, in response to the Subpoena, subject to appropriate protections, and pursuant to agreed-upon search parameters, certain e-mails within the BOP’s Privatization Management Bureau and the Contract Facility Monitoring Branch (the “Additional Subject Documents” and, together with the Initial Subject Documents, the “Subject Documents”);

WHEREAS, the Subject Documents may include information that may be protected under the Privacy Act of 1974 (5 U.S.C. §552a) or as Source Selection Information (48 C.F.R. §3.104-4);

WHEREAS, Plaintiff and the BOP have conferred and agree that the Stipulation and Protective Order entered on February 12, 2018 (ECF No. 86), as amended by the Stipulation and Order Amending Protective Order to Protect Source Selection Information entered on August 29, 2019 (ECF No. 177), provides sufficient confidentiality protections to permit production of the Subject Documents consistent with the Privacy Act and with protection of Source Selection Information; and

WHEREAS, the Privacy Act requires that the Court specifically authorize the BOP to release the Subject Documents;

NOW, THEREFORE, it is stipulated and agreed, by and between Plaintiff and the BOP, subject to the approval of the Court, that:

1. Promptly following entry of this Order, the BOP shall produce to Plaintiff the Additional Subject Documents; and

2. The Subject Documents, and any information derived from the Subject Documents (including, without limitation, any documents or data that are recovered or extracted from the Eden Detention Center backup tapes), shall be treated as Confidential or, if so designated by the BOP, as Source Selection Information, subject to the Stipulation and Protective Order, as amended by

the Stipulation and Proposed Order Amending Protective Order to Protect Source Selection Information.

DATED: January 29, 2020

ROBBINS GELLER RUDMAN & DOWD LLP
CHRISTOPHER M. WOOD, #032977
CHRISTOPHER H. LYONS, #034853

s/ Christopher M. Wood
CHRISTOPHER M. WOOD

414 Union Street, Suite 900
Nashville, TN 37219
Telephone: 800/449-4900
615/252-3798 (fax)

ROBBINS GELLER RUDMAN & DOWD LLP
DENNIS J. HERMAN
WILLOW E. RADCLIFFE
KENNETH J. BLACK
Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
Telephone: 415/288-4545
415/288-4534 (fax)

Lead Counsel for Plaintiff

BARRETT JOHNSTON MARTIN
& GARRISON, LLC
JERRY E. MARTIN, #20193
Bank of America Plaza
414 Union Street, Suite 900
Nashville, TN 37219
Telephone: 615/244-2202
615/252-3798 (fax)

Local Counsel

DATED: January 29, 2020

DONALD Q. COCHRAN
UNITED STATES ATTORNEY FOR THE
MIDDLE DISTRICT OF TENNESSEE

By: _____
s/ Mark H. Wildasin
MARK H. WILDASIN

Mark H. Wildasin (B.P.R. 015082)
Assistant United States Attorney
Middle District of Tennessee
110 Ninth Avenue South, Suite A-961
Nashville, TN 37203
Telephone: 615/736-5151
mark.wildasin@usdoj.gov

Counsel for the Federal Bureau of Prisons

* * *

ORDER

IT IS SO ORDERED.

DATED: _____

THE HONORABLE ALETA A. TRAUGER
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on January 29, 2020, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Christopher M. Wood
CHRISTOPHER M. WOOD

ROBBINS GELLER RUDMAN
& DOWD LLP
655 West Broadway, Suite 1900
San Diego, CA 92101-8498
Telephone: 619/231-1058
619/231-7423 (fax)

E-mail: cwood@rgrdlaw.com

Mailing Information for a Case 3:16-cv-02267 Grae v. Corrections Corporation of America et al**Electronic Mail Notice List**

The following are those who are currently on the list to receive e-mail notices for this case.

- **Kenneth J. Black**
kennyb@rgrdlaw.com
- **Paul Kent Bramlett**
pknashlaw@aol.com
- **Robert P. Bramlett**
robert@bramlettlawoffices.com
- **Christopher T. Cain**
cain@scottandcain.com, ambrose@scottandcain.com
- **Patrick V. Dahlstrom**
pdahlstrom@pomlaw.com
- **Jason A. Forge**
jforge@rgrdlaw.com, tholindrake@rgrdlaw.com
- **Brian T. Glennon**
brian.glennon@lw.com
- **Michael Goldberg**
michael@goldberglawpc.com
- **Marc Gorrie**
mgorrie@pomlaw.com
- **Dennis J. Herman**
dherman@rgrdlaw.com, e_file_sd@rgrdlaw.com
- **James A. Holifield , Jr**
aholifield@holifieldlaw.com
- **J. Alexander Hood , II**
ahood@pomlaw.com
- **Jeremy A. Lieberman**
jalieberman@pomlaw.com, disaacson@pomlaw.com, lpvega@pomlaw.com
- **Christopher Hamp Lyons**
clyons@rgrdlaw.com, crosini@rgrdlaw.com, KennyB@rgrdlaw.com, e_file_sd@rgrdlaw.com
- **Jerry E. Martin**
jmartin@barrettjohnston.com, eseaborn@barrettjohnston.com, nchanin@barrettjohnston.com, jmartin@rgrdlaw.com, ggilbert@barrettjohnston.com
- **Milton S. McGee , III**
tmcgee@rwjplc.com, dgibby@rwjplc.com
- **Faraz Mohammadi**
faraz.mohammadi@lw.com
- **Willow E. Radcliffe**
willowr@rgrdlaw.com, WillowR@ecf.courtdrive.com
- **Steven Allen Riley**
sriley@rwjplc.com, dgibby@rwjplc.com
- **Brian Schall**
brian@goldberglawpc.com
- **David J. Schindler**
david.schindler@lw.com
- **Sarah A. Tomkowiak**
sarah.tomkowiak@lw.com
- **Morgan E. Whitworth**
morgan.whitworth@lw.com, morgan-whitworth-8044@ecf.pacerpro.com

- **Christopher M. Wood**

cwood@rgrdlaw.com,smorris@rgrdlaw.com,CWood@ecf.courtdrive.com,willowr@rgrdlaw.com,e_file_sd@rgrdlaw.com,smorris@ecf.courtdrive.com

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